

**REMARKS**

Claims 1 - 52 are pending in the application.

Claims 1 – 44 and 51 – 52 have been canceled.

Claims 53 and 54 have been added.

Claims 45 – 50 are rejected.

All amendments and remarks are made in a good faith effort to advance the prosecution on the merits. Applicant reserves the right subsequently to take up prosecution on the claims as originally filed in this or appropriate continuation, continuation-in-part and/or divisional applications.

Applicant respectfully requests that the amendments submitted herein be entered, and further requests reconsideration in light of the amendments and remarks contained herein.

**Claim Rejection under 35 U.S.C. §103(a)**

The examiner rejected claims 1-52 under 35 USC 103(a) as unpatentable over Marcali (US Pat. No. 5,629,982) in view of Katz (US Pat. No. 6,055,513). Due to a restriction requirement in the related pending patent application, Applicant has canceled claims 1 – 44 and 51 – 52. Only claims 45 – 50 will be addressed in this response and these remarks pertain to the addressed claims only. In the first office action, the examiner argued:

**“As per claims 1-52 Marcali [sic.] teaches a personal base process on a computer platform for conducting electronic transactions in multiple different environments (Abstracts). Marcali [sic.] teaches a system utilizing a trusted third party which is implemented on a computer network (col. 4 lines 58-60) although telephone, broadcast or other communication networks may be used (col. 4 lines 60-62) all interconnected with computers at nodes. Marcali [sic.] teaches a customized message and receipt (Fig 1). Marcali teaches other electronic communications between first, second and third parties (col. 3, line 55-col. 4 line 31). Marcali [sic.] further teaches the**

**communications architecture and topological structure and encryption methods (col. 6 line 41-col. 14 line 32). Marcali [sic.] teaches methods for public and secret auctions on a computer network (col 14 line-col 15 line 45). In addition to that taught by Marcali [sic.], Katz also teaches means of managing personal information (Abstract) and effecting remote commerce (Abstract). Katz also teaches accepting orders from customers (Fig 1/10/12). Katz further teaches upsell data obtained from a database to be presented to a customer (Fig 1/30) as well as an order fulfillment system (Fig 3/120), billing (Fig 3/122) and shipment and tracking (Fig 3/124). Katz further teaches that order transaction information is entered by a customer at a PC terminal either by public communication network as the internet or as private network (gateway) (Fig 4/140). Katz also teaches pre-registration for a primary transaction of a product (Fig 6/300) as well as customer demographics (Fig 6/613) and personal information (Fig 6/320) of the customer. It would have been obvious to one skilled in the art at the time of the invention to combine Marcali [sic.] in view of Katz to teach the disclosure. The motivation to combine is to teach a system for effecting financial transactions in an intelligent automated provision of goods and services to the telephonic and electronic commerce areas as enunciated by Katz (col. 8 lines 22-31)."**

The rejection is respectfully traversed. Micali is directed to electronic *communication* methods. *Micali*, Abstract. Micali does not teach or describe the personal base as identified in the present application. On the contrary, the personal base of the present invention is owned and operated by the *user* and is used by the user to perform operations autonomously and/or remotely for the user – something not possible with the communications method described in Micali. Katz, on the other hand, is directed a particular method of remote commerce where users/customers 74 employ with telephones 76/78 to interact with a telemarketing operator 42. In other words, the apparatus in Katz is used to facilitate communications between users, which is not unlike the communications methods of Micali. In contrast to Katz and/or Micali, the personal base as described in the present application provides an autonomous agent that can communicate with people and/or other agents and perform many more functions for the

*user* that employs the personal base. In short, Katz and/or Micali, either individually or in combination, do not teach or suggest the use of personal bases instances, or of employing personal base providers as required by the limitations of independent claims 45 and 47. It is thus respectfully submitted that neither Katz and/or Micali contain the suggestion of a personal base for use by a user or, either individually or in combination, provide motivation for knowing of, or devising a personal base as described in the present application that would prompt one of ordinary skill in the art to modify the references and obtain the personal base as described in the present disclosure with any reasonable expectation of success. Finally, the prior art references, when combined, do not teach or suggest all the claim limitations of independent claims 45 and 47 with reasonable expectation of success *without* access to the present disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). As the independent claims are not taught or suggested by Katz and/or Micali, then the claims dependent upon independent claims 45 and 47 are similarly allowable over the prior art of record. Reconsideration and withdrawal of the rejection are respectfully requested.

### **New Claims**

New claims 53 and 54 have been added. The Applicant notes that new claims 53 and 54 have limitations identical to claims 49 and 50, respectively, but are merely dependent upon another independent claim.

**SUMMARY**

In light of the above remarks and amendments, reconsideration and withdrawal of the outstanding rejections and objections are respectfully requested. It is further submitted that the application is now in condition for allowance and early notice of the same is earnestly solicited. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone or facsimile.

Applicants believe there are no fees due in association with the filing of this Response. However, should the Commissioner deem any fees as being due, including any fees for any extensions of time, the Commissioner is hereby authorized to debit any fees due from Baker Botts L.L.P. **Deposit Account Number 02-0383, Order Number 068508.0110.**

Respectfully submitted,



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